

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*County of Monroe, Michigan v. Purdue  
Pharma L.P., et al.,*  
Case No. 1:18-opinion-45158

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DISTRIBUTORS' MOTION TO CERTIFY UNDER 28 U.S.C. § 1292(b)  
THE COURT'S APRIL 30, 2020 ORDER DENYING IN PART THEIR  
MOTION TO DISMISS MONROE COUNTY'S CLAIMS, FOR PURPOSES  
OF SEEKING IMMEDIATE APPEAL OF THE COURT'S RULINGS  
THAT DENIED DISMISSAL OF THE COUNTY'S CLAIMS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors") respectfully request leave to file a motion to certify under 28 U.S.C. § 1292(b) the Court's April 30, 2020 Opinion and Order, Dkt. 3285 ("Order") denying in part their claims asserted by Monroe County, Michigan, for purposes of an immediate appeal of the Court's rulings that denied dismissal of the County's claims. Specifically, Distributors seek certification of the Order so they may request an interlocutory appeal of the following issues: (1) whether the County's allegations meet RICO's proximate causation and injury to "business or property" requirements; and (2) whether the County's remaining claims must be dismissed because they are state law claims that constitute a "product liability action" within the meaning of the Michigan Product Liability Act ("MPLA"), which bars such actions.

An immediate appeal of these issues raised by the Court's Order is warranted. The grounds for Distributors' motion are set forth in the attached memorandum of law; a Proposed Order granting Distributors' motion for certification under Section 1292(b) is also attached.

DATED: June 1, 2020

Respectfully submitted,

/s/ Geoffrey E. Hobart

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**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
Geoffrey E. Hobart